IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.5793/03

M/s. Mehta Metal Works & Anr.

Versus

Shri Raghuveer & Ors.

DATE OF ORDER :: 23/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

None present for petitioners
Mr. Satyavrat Sharma, for respondents

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Defendants-petitioners have challenged the order Ann.3 dated 28th July, 2003 whereby their application filed under O.19 R.2 CPC on 18th January, 2002 has been rejected by the learned trial Judge.

A suit has been filed for permanent injunction along with application for temporary injunction U/O 39 R.1&2 CPC. In support of their contention in regard to grant of temporary injunction, affidavits have been filed by the parties concerned. At this stage, application was filed by the defendants-petitioners under O.19 R.2 CPC seeking permission to cross-examine the deponents who filed their affidavits in support of interim application in the matter of grant for temporary injunction.

Learned trial Judge after taking into consideration the submission made by the parties

to the dispute rejected their application seeking permission to cross-examine the deponents at this stage when the interim application has to be examined.

I have gone through the finding recorded by the learned trial Judge and found no error therein.

Consequently, the writ petition fails and is hereby dismissed. However, the learned trial Judge is directed to proceed with the matter in accordance with law.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.